



June 29, 1999

Ms. Kristi LaRoe
Assistant District Attorney
Tarrant County
Justice Center
401 W. Belknap
Fort Worth, Texas 76196-0201

OR99-1804

Dear Ms. LaRoe:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 127200.

The Tarrant County District Attorney's Office received a request for certain information regarding a particular inmate. You assert that you need not comply with the request under section 552.028 of the Government Code.

The Seventy-sixth Legislature amended section 552.028 to provide as follows:

(a) A governmental body is not required to accept or comply with a request for information from:

(1) an individual who is imprisoned or confined in a correctional facility; or

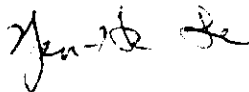
(2) an agent of that individual, other than that individual's attorney when the attorney is requesting information that is subject to disclosure under this chapter.

(b) This section does not prohibit a governmental body from disclosing to an individual described by Subsection (a)(1), or that individual's agent, information held by the governmental body pertaining to that individual.

S.B. 744, 76th Leg., R.S. (effective May 21, 1999). You submit information showing that the requestor, the inmate's mother, is making the request on behalf of the defendant. The request letter states, "In fact, he, [the inmate] asked me to do this for him." You further advise that the inmate to which the request relates is currently incarcerated in the Texas Department of Corrections, specifically in "Texas Prison J.V. Allred Unit at Iowa Park." We understand you to contend that, because the requestor is acting as the inmate's *agent*, you may decline to comply with the request. We agree that section 552.028 of the Government Code permits you to decline to accept or comply with a request for information that is submitted by an individual who is imprisoned or confined in a correctional facility or that person's agent.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in dark ink, appearing to read "Yen-Ha Le", with a stylized flourish at the end.

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref.: ID# 127200

Encl.: Submitted documents

cc: Mrs. Mary J. Bailey
210 Linwood
Neosho, Missouri 64850
(w/o enclosures)